

REMARKS

The Examiner is thanked for the careful examination of the application.

Pursuant to the February 15, 2007, telephone conversation between Examiner Yan Wei and Attorney Gregory Williams, independent claim 1 has been withdrawn.

Claims 8 and 14-15 have been canceled.

Claims 2 and 13 have been amended, as more particularly described below. Claim 9 has been amended to remove its dependency on cancelled claim 8. Claim 20 has been amended, as requested by the Examiner, to correct a grammatical error.

Claims 21-24 are new. In light of Applicant's responses to the obviousness rejections (see below), Applicant believes claims 21-24 are also in allowable form, in part because of the requirement that the LEDs are disposed to uniformly light the space in the opening which is not taught in the prior art.

The Examiner has made numerous rejections and objections to the specification and the claims under section 112. Each of these objections and rejections is dealt with in this response. The rejection under section 103 will be the focus of Applicant's initial discussion in these remarks.

Independent claim 2 has been rejected under 35 U.S.C. § 103(a) as being obvious based on the combination of the Bailey and McCall references. Independent

claim 13 has been rejected under 35 U.S.C. § 103(a) as being obvious based on the combination of the Bailey, McCall, Hulgan, and Wilkinson references.

Claims 2 and 13 have been amended to add the limitation “uniformly” lighted. This makes every claim pending in the application so limited.

As required by Applicant’s amended claims 2 and 13, Bailey does not teach such uniform lighting of a panel, nor does Bailey teach lighting of the panel from the back side. Bailey’s two layers and positioning of the LEDs within the panel, i.e., in the same plane as the panel, are not suitable for uniformly lighting a translucent panel or for lighting a panel from the back side. The teaching of Bailey therefore lacks the required limitations that are present in Applicant’s independent claims 2 and 13. As the Examiner correctly pointed out, McCall does mention lighting of a translucent panel from behind, but McCall does not teach *uniformly* lighting a ceiling panel from behind or how to achieve such a result. Uniform lighting of the panel is necessary in Applicant’s invention to create the appearance of decorative images in the translucent panels that are as realistic as possible.

As pertaining to claim 13, Hulgan and Wilkinson also do not teach such a limitation. Hulgan only teaches converting fluorescent luminaries into LED luminaries. Hulgan does not teach how to uniformly light a space using LEDs. Likewise, Wilkinson also does not teach how to uniformly light a space using an array of LEDs, and further, does not mention the use of LEDs at all.

The combination of cited references, therefore, lacks all of the limitations of Applicant's amended claims 2 and 13, and all claims depending therefrom, which means a prima facie case of obviousness is not satisfied for all pending claims (claims 2 through 20). All additional references pertaining to the dependent claims also do not teach or overcome the shortcomings of the primary references.

Further, with respect to all pending claims, the McCall reference teaches an outer frame around each panel, in addition to the ceiling tile frame that forms a pattern of rectangular openings for the panels to rest on. Applicant's translucent panel does not contain such a limitation. Applicant's panel is unframed and directly sits on the tile frame grid. McCall, therefore, creates a wider mullion than Applicant's invention and teaches towards a problem which Applicant's invention avoids by using an unframed translucent panel.

Further, with respect to claims 13 through 20, Hulan does not teach the limitation in Applicant's claim 13 that requires risers. The risers, as taught in Applicant's invention, are structures that position the lamp fixture above the translucent panel in such a manner so that the light is uniformly dispersed across the panel. The risers also allow the panel to be inserted in the ceiling frame without needing to flex the panel, and without needing to use a separate frame around the panel as in McCall.

Hulan only teaches the use of a housing 4, which is not the same limitation or structure as the risers taught in Applicant's invention. The housing 4 in Hulan is an

exterior structure which shrouds and protects the lamp 16, especially from objects falling from above, and serves as a reflective device to reflect light downward. This is not the teaching of the risers in Applicant's invention. Unlike the risers in Applicant's claimed invention, the housing 4 in Hulgan does not raise the lamp fixture above any translucent panel and does not serve to fix the distance between the two.

Applicant believes that when all of the limitations of the amended claims are fully considered, it will become apparent that the claimed invention is not taught by the cited references. Applicant, therefore, respectfully traverses all rejections based on 35 U.S.C. § 103 and requests allowance of all pending claims.

The drawings have been objected to because they are handwritten. A replacement sheet has been submitted with this amendment that is not handwritten and should be of a quality that removes this objection.

The drawings have also been objected to under 37 CFR 1.83(a) for not showing every feature of the claimed invention. As for the "more shielding structure" referenced in Claims 4 and 20, it is shown in Figure 1 by MRI room wall 132 and described in the specification (paragraph 0019). As for the "fluorescent light source" referenced in Claim 14 and the "incandescent light source" referenced in Claim 15, these claims have been canceled. Figures 2 and 3 have been added to show a "non-hung grid ceiling" and to show a "component of a fixture disposed below a non-hung grid ceiling" (Figure 3). Figures 2 and 3 do not add any new matter as they merely illustrate what was already described in the application.

After review of the replacement and added drawings and in consideration of the above remarks, Applicant believes the drawings are in allowable form and respectfully requests the objections to the drawings be removed.

The Specification has been objected to. Paragraph 18 has been amended to correct a grammatical error.

As for the disclosure in Claim 5 regarding “insertion, without a need for flexing” and Claim 13 regarding “without a need to flex” and “without using a hinging mechanism”, said disclosure is enabled in the Specification, particularly paragraph 0018, and especially in the drawing (Figure 1). As paragraph 0018 teaches, “Array of LEDs 102 are raised above the predetermined rectangular ceiling tile 114 by end risers 112 so as to facilitate ease of insertion of translucent decorative static imagery panel 120” Figure 1 teaches how the end risers 112 create distance separation between the LED lamp assembly 110 and the predetermined rectangular ceiling tile frame 116 so that translucent decorative static imagery panel 120 can be easily inserted through the opening and suspended by the predetermined rectangular ceiling tile frame 116 without interfering with the LED lamp assembly 110 and without needing to flex the translucent decorative static imagery panel 120.

In addition, with respect to the above-referenced limitations in claims 5 and 13, and also with respect to the disclosure in claim 12 of a “predetermined rectangular ceiling tile is a component of a fixture disposed below a non-hung grid ceiling”, these limitations are self-enabling because they are self-evident and self-explanatory to

those of ordinary skill in the art. The test for enablement is whether undue experimentation is required to practice the claimed invention after one of ordinary skill in the art reads the disclosure in the specification. *See* MPEP § 2164.01. The claims are a part of the specification. *See* MPEP § 608.01(a). Claims 5 and 12-13 are enabled because a person of ordinary skill in the art would not require undue experimentation to practice the limitations, as disclosed therein.

As for “fluorescent light source” in Claim 14 and “incandescent light source” in Claim 15, these claims have been canceled and, therefore, this objection is now moot.

As for the “more shielding structure” referenced in Claims 4 and 20, it is exemplified in the specification (paragraph 0019) and drawing (Figure 1) by MRI room wall 132.

As for “consideration of a mental characteristic” as stated in Claim 7, paragraph 0033 teaches that MRI procedure patient 121 is brought into the room and the translucent panel is chosen so as to be generally soothing or pacifying to the patient 121. This disclosure does not rely on what “the claimant believes” as objected to by the Examiner.

In view of the Remarks above, Applicant believes the specification is in allowable form and respectfully requests the objections to the specification be removed.

Claims 4-5, 7, 12-13, and 20 have been rejected as indefinite. Applicant respectfully traverses these rejections. With regard to claims 5 and 13, insertion without a need for flexing has a well-established ordinary meaning. One of ordinary skill in the art understands what it means to insert the panel into the tile frame without needing to flex or bend the panel. Further with regard to claim 13, “without using a hinging mechanism” also has a well-established ordinary and plain meaning that is self-evident. The above two limitations are negative limitations. The mere use of negative limitations, however, does not make the claims indefinite. Rather, the use of negative limitations is proper and allowable. MPEP § 2173.05(i) (“The current view of the courts is that there is nothing inherently ambiguous or uncertain about a negative limitation.”)

With respect to claim 12’s limitation of a “predetermined rectangular ceiling tile is a component of a fixture disposed below a non-hung grid ceiling”, this limitation also has a well-established meaning to those of ordinary skill in the art. With respect to the particular subject matter of this invention (pacifying images and lighting device for MRI patients), this limitation is reasonably clear and precise and does not contain any indefinite relative terms. *See* MPEP § 2173.02 (stating that indefiniteness must be considered in light of the particular subject matter at hand and that the claim should be allowed if, in light of the subject matter, the claim defines the “patentable subject matter with a reasonable degree of particularity and distinctness”). Although this limitation of claim 12 may be broad, it should not be confused with indefiniteness. *See* MPEP § 2173.04.

With respect to the indefiniteness rejections to claims 4 and 20, the claims must be considered as a whole for indefiniteness. *See* MPEP § 2173.02. When these claims are examined as a whole, the limitations clearly define the metes and bounds of the claim to a person of ordinary skill in the art and are not indefinite. Claims 4 and 20 use relative language, but they clearly provide a defined and definite basis for the relativity, as in claim 4 where it states the adapter is separated from the MRI device by more shielding structure than just the ceiling tile and frame. Thus, one of ordinary skill in the art is put on notice that this limitation covers any shielding structure that provides more RFI shielding than a ceiling tile and frame does. There is no vagueness or indefiniteness with this language, and the meaning is clearly discernible. *See* MPEP § 2173.02; *see also* MPEP § 2173.05(b) (relative terminology does not render a claim indefinite so long as the language apprises a person of ordinary skill in the art of the scope of the claim).

With respect to claim 7, the limitation “consideration of a mental characteristic of a patient who is about to be given a magnetic resonance imaging procedure” is well-defined in the disclosure of the specification. One of ordinary skill in the art would not have difficulty discerning the boundary of this claim when reading it in light of applicant’s disclosure, where the disclosure clearly discusses choosing decorative images to pacify MRI patients. Therefore, a rejection based on indefiniteness is inappropriate.

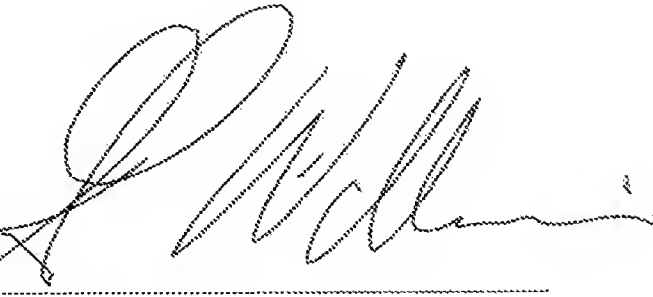
decorative images to pacify MRI patients. Therefore, a rejection based on indefiniteness is inappropriate.

The objection to claim 20 is now moot. The word "that" has been removed to correct a grammatical error.

In light of the foregoing remarks and after reconsideration of claims 4-5, 7, 12-13, and 20, Applicant respectfully requests that the indefiniteness rejections for these claims be withdrawn and that all pending claims be allowed.

Respectfully submitted,

BY: 



Gregory G. Williams, Reg. No. 31,681
SIMMONS PERRINE PLC
Third Floor Tower Place
22 South Linn Street
Iowa City, Iowa 52240
Telephone: (319) 887-1368
Facsimile: (319) 887-1372